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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/533,252	01/09/2006	Miwa Honda	271247US0PCT	8881

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OBLON, SPIVAK, MCCLELLAND MAIER & NEUSTADT, P.C.  
1940 DUKE STREET  
ALEXANDRIA, VA 22314

EXAMINER
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RAMIREZ, ARMANDO P

ART UNIT	PAPER NUMBER
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4152

NOTIFICATION DATE	DELIVERY MODE
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08/07/2008

ELECTRONIC

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

patentdocket@oblon.com  
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jgardner@oblon.com

<b>Office Action Summary</b>	<b>Application No.</b> 10/533,252	<b>Applicant(s)</b> HONDA ET AL.	
	<b>Examiner</b> Armando P. Ramirez	<b>Art Unit</b> 4152	

**-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --**

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-10 is/are pending in the application.  
     4a) Of the above claim(s) \_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-10 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 01 September 2006 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
     Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
     Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
     a) ☒ All    b) ☐ Some \*    c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)            | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)   | Paper No(s)/Mail Date. ____.                                      |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date <u>1/14/08, 6/19/06, 5/23/05</u> .                               | 6) <input type="checkbox"/> Other: ____.                          |

## **DETAILED ACTION**

### ***Information Disclosure Statement***

1. The information disclosure statement filed January 14, 2008 fails to comply with the provisions of 37 CFR 1.97, 1.98 and MPEP § 609 because no English translation was provided for the Japanese document struck-through and the examiner was not able to address its relevance. It has been placed in the application file, but the information referred to therein has not been considered as to the merits. Applicant is advised that the date of any re-submission of any item of information contained in this information disclosure statement or the submission of any missing element(s) will be the date of submission for purposes of determining compliance with the requirements based on the time of filing the statement, including all certification requirements for statements under 37 CFR 1.97(e). See MPEP § 609.05(a).

2. The listing of references in the specification is not a proper information disclosure statement. 37 CFR 1.98(b) requires a list of all patents, publications, or other information submitted for consideration by the Office, and MPEP § 609.04(a) states, "the list may not be incorporated into the specification but must be submitted in a separate paper." Therefore, unless the references have been cited by the examiner on form PTO-892, they have not been considered.

### ***Claim Rejections - 35 USC § 102***

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

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(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

4. Claims 1-4 and 6 are rejected under 35 U.S.C. 102(b) as anticipated by Iryo (5,789,476).

Iryo teaches, with respect to Claims 1-2, the claimed curing composition (Abstract, lines 1-3), comprising the claimed titanium oxide particles coated with metal oxide (fine particulate oxide: silicone, aluminum, zirconium, tin, antimony, and zinc, Col. 3, lines 63-65), the claimed hydroxyl-containing-curing-compound (matrix/organo-silicon-compound, Col. 3, lines 43-50), and the claimed curing catalyst (Col. 10, lines 21-24). Iryo also teaches, the claimed 100 parts by weight of the titanium oxide coated particles (10 to 300 parts by weight, Col. 13, lines 1-5), the claimed 1 to 300 parts by weight of the hydroxyl-containing-curing-compound (10 to 90% by weight, Col. 8, lines 5-6), and the claimed 0.1 to 30 parts by weight of the curing catalyst (5% by weight, Col. 10, lines 41-42).

With respect to Claim 3, Iryo further teaches a curing composition, wherein the curing compound is a melamine compound (matrix coating solution, melamine, Col. 7, lines 26-27).

With respect to Claim 4, Iryo further teaches an organic solvent (Col. 10, lines 54-65).

With respect to Claim 6, Iryo further teaches a cured film which has a refractive index of 1.6 or more (lens obtained had refractive index of 1.60 or more, Col. 24, lines 29-30).

***Claim Rejections - 35 USC § 103***

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

7. Claim 5 is rejected under 35 U.S.C. 103(a) as being unpatentable over Iryo (5,789,476).

With respect to Claim 4, Iryo discloses the claimed invention except for the organic solvent selected from the group consisting of ethyl lactate, propylene glycol monomethyl ether, and *n*-butanol. It would have been obvious to one having ordinary skill in the art at the time the invention was made to modify the organic solvent of Iryo (organic solvent: esters, glycols, ethers, alcohols, Col. 10, lines 54-65), since it has

been held to be within the general skill of a worker in the art to select a known material on the basis of its suitability for the intended use as a matter of obvious engineering choice. *In re Leshin*, 125 USPQ 416.

8. Claims 7-10 are rejected under 35 U.S.C. 103(a) as being unpatentable over Iryo (5,789,476) in view of Sato (6,558,804).

With respect to Claim 7 and 10, Iryo teaches the invention set forth above except for the claimed cured-film of low-refractive-index and the multilayer-body. Sato, however, teaches that it is well known to use a low-refractive-index film in a multilayer body combined with a film of high-refractive-index (antireflection article, Abstract, lines 1-9). It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the coating solution of Iryo with a fluorine-containing polymer of low-refractive-index (coating composition, Col. 10, lines 19-24) as taught by Sato to obtain an antireflection multilayer body having improved properties (Col. 2, lines 24-28).

With respect to claims 8-9, Sato teaches the claimed fluorine-containing polymer having a hydroxyl group (fluorinated organic group, Col. 2, lines 29-39), the claimed curing-compound having a functional group reactive with a hydroxyl group (Col. 7, lines 12-15, and Col. 3, lines 26-56), and the claimed curing catalyst (initiator, Col. 8, lines 25-26).

***Conclusion***

9. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Inagaki (4,427,823) teaches a coating composition, comprising a metal oxide, curing compound, curing catalyst, hydroxyl-containing compound, and organic solvent. Kawasaki (2004/0254282) teaches a photocurable composition, comprising oxide-particles, and a hydroxyl-containing polymer. Kawasaki (5,356,739) teaches, a stainproof protector, comprising a fluorine-containing polymer, and further including those listed in the 892.

10. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Armando P. Ramirez whose telephone number is (571) 270-7083. The examiner can normally be reached on Monday - Thursday 8:00 AM - 6:00 PM EST.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Joseph Del Sole can be reached on (571)272-1130. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic

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Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/ar/

/Joseph S. Del Sole/  
Supervisory Patent Examiner, Art Unit 4152